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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/652,502 | 08/31/2000 | Leon Wong | 13768.138 | 3677 |

22913 7590 11/04/2003

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| EXAMINER | |
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| GOLD, AVI M | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2157 | 3 |

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/652,502 | WONG ET AL. | |
| | Examin r | Art Unit | |
| | Avi Gold | 2157 | |

*-- The MAILING DATE f this c mmunicati n appears on the c ver sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) 1-28 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-28 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

## DETAILED ACTION

This action is responsive to the application filed August 31, 2000. Claims 1-28 are pending. Claims 1-28 represent methods and systems for updating the presence information of a user engaged in electronic communications.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-8, 10-14, 16-22, and 24-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Dreke et al., U.S. Patent No. 6,463,471.

Dreke teaches the invention as claimed including network presence information for peers of interest (see abstract).

Regarding claim 1, Dreke discloses an electronic messaging system having one or more clients associated with a user having a master status reflected to one or more subscribers, a method for updating the master status of the user, the method comprising the steps of:

assigning a view status to each of the one or more clients;

in response to a status update received from one of the one or more clients, evaluating the status update and each view status (col. 4, lines 3-8, Dreke discloses a client that transmits their network address; a list of clients whose presence are of interest to that client; and a request for a list of clients who are interested in that client's presence) and

updating the master status of the user in accordance with the evaluation of the status update and each view status (col. 5, lines 3-8, Dreke discloses the list of clients transmitted to the client that requested it; the client directly contacting a client to see if they are online).

Regarding claim 2, Dreke discloses the step of assigning further comprises the steps of:

associating a view identifier with each view status;

receiving a client status update and the view identifier from one of the one or more clients (col. 4, lines 60-67, Dreke discloses a client that transmits their network address; a list of clients whose presence are of interest to that client; and a request for a list of clients who are interested in that client's presence); and

updating the view status associated with the view identifier according to the client status update (col. 5, lines 1-8, Dreke discloses the list of clients

transmitted to the client that requested it; the client directly contacting a client to see if they are online).

Regarding claim 3, Dreke discloses the step of assigning further comprises the steps of:

receiving a client status update from one of the one or more clients; and

updating the view status identified by a view identifier associating the view status with one of the one or more clients in accordance with the client status update (col. 4, lines 60-67).

Regarding claim 4, Dreke discloses the step of evaluating further comprises the step of determining whether the master status should reflect the status update (col. 4, lines 49-56, Dreke discloses a client having the option of directly contacting other clients from the list of clients interested in their presence; a client allowing its presence to be known only by clients that it wants it to be known by).

Regarding claim 5, Dreke discloses the step of updating further comprises the step of reflecting the master status to the one or more subscribers (col. 4, lines 62-67; col. 5, 1-5).

Regarding claim 6, Dreke discloses the step of updating further comprises changing the master status to the status update (col. 4, lines 49-56).

Regarding claim 7, Dreke discloses the step of updating further comprises the step of refraining from changing the master status to the status update (col. 4, lines 49-56).

Regarding claim 8, Dreke discloses further comprising at least one of the step of changing the master status according to a priority system (col. 4, lines 49-56).

Regarding claim 10, Dreke discloses an electronic communication system having a user associated with one or more clients, the user having presence information maintained at a server, a method for updating the presence information of the user reflected to subscribers, the method comprising the steps of (col. 3, lines 50-52):

creating, at the server, a view status for each of the one or more clients, wherein each view status associated with each client is identified by a unique view identifier (col. 4, lines 60-66);

altering the presence information from an evaluation of each view status such that the presence information is representative of a current status of the user, wherein the presence information is maintained in a master view and is reflected to the subscribers;

receiving, at the server, a status update from one of the one or more clients; and

updating the presence information in the master view reflected to the subscribers according to an evaluation of the status update and each view status (col. 4, lines 3-8, lines 62-67; col. 5, lines 1-5).

Regarding claim 11, Dreke discloses the step of creating further comprises the step of receiving a first status change at the server, the first status

change being representative of an initial status of one of the one or more clients (col. 4, lines 62-66).

Regarding claim 12, Dreke discloses the step of altering the presence information further comprises the step of comparing each view status to determine a current status of the user, the current status corresponding to the presence information (col. 4, lines 3-44, Dreke discloses a list of the last known network address of other clients and a way of determining the current status of those clients).

Regarding claim 13, Dreke discloses each status update being reflected in an associated client view status, the associated client view status being identified by a view identifier sent with each status update (col. 4, lines 60-66).

Regarding claim 14, Dreke discloses the step of updating further comprises the step of changing the presence information according to a priority system (col. 4, lines 49-56).

Regarding claim 16, Dreke discloses the step of updating further comprises the step of reflecting the updated presence information in the master view to the subscribers (col. 4, lines 3-44).

Regarding claim 17, Dreke discloses the step of updating further comprises the step of changing the client view status associated with the status change, such that the client view status accurately reflects the status change (col. 4, lines 3-44).

Regarding claim 18, Dreke discloses a computer-readable medium having computer executable instructions for performing the steps of claim 10 (col. 3, lines 19-22, Dreke discloses an Internet Presence Information Server).

Regarding claim 19, Dreke discloses in an instant messaging group having a user associated with multiple clients, the user having presence information representative of a master status of the user, a method for reflecting the master status to subscribers, the method comprising the steps of (col. 2, lines 50-52):

for each of the multiple clients, creating a client view status at a server when each of the multiple clients sends a first status change to the server;

assigning a view identifier to each client view status when the first status change is received at the server, wherein the view identifier associates each of the multiple clients with a particular client view status (col. 4, lines 60-66);

setting the master status based on an evaluation of each client view status;

for each subsequent status change received from one of the multiple clients, updating the master status in accordance with an evaluation of the subsequent status change and each client view status, wherein the presence information reflected to the subscribers corresponds to the master status (col. 4, lines 49-56).

Regarding claim 20, Dreke discloses the client view status is representative of a current status of an associated client (col. 4, lines 3-44).

Regarding claim 21, Dreke discloses the step of setting the master status further comprises the step of reflecting the master status to the subscribers (col. 4, lines 3-44, lines 49-56).

Regarding claim 22, Dreke discloses the step of updating the master status further comprises the step of changing the master status according to a priority system (col. 4, lines 49-56).

Regarding claim 24, Dreke discloses the master status reflected to the subscribers is representative of a current status of the user (col. 4, lines 3-44).

Regarding claim 25, Dreke discloses the step of selecting one of the client view statutes to be represented in the master status (col. 4, lines 49-56).

Regarding claim 26, Dreke discloses a computer-readable medium having computer-executable instructions for performing the steps recited in claim 19 (col. 3, lines 19-22).

Regarding claim 27, Dreke discloses a computer program product for implementing in an instant messaging system having a user associated with one or more clients, the user having presence information reflected to subscribers, a method for updating the presence information, the computer program product comprising (col. 2, lines 50-52):

a computer-readable medium carrying executable instructions for performing the method, wherein the method includes the steps for (col. 3, lines 19-22):

creating, at a server, a view status for each of the one or more clients, wherein the view status associated with each client is identified by a unique view identifier (col. 4, lines 60-66);

altering the presence information from an evaluation of each view status such that the presence information is representative of a current status of the user;

receiving, at the server, a status update from one of the one or more clients;

updating the presence information according to the status update; and

reflecting the presence information to the subscribers (col. 4, lines 3-44).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 9, 15, 23, and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Dreke in view of Bell, U.S. Patent Application Publication No. US 2002/0198952.

Dreke teaches the invention as claimed including network presence information for peers of interest (see abstract).

As to claim 9 Dreke teaches the method of claims 1 and 8.

Dreke fails to teach the limitation further including the use of: the step of changing the master status according to a priority system further comprises the steps of: changing the master status to offline if the status update is invisible; refraining from changing the master status if the status update is offline; refraining from changing the master status if the status update is idle; changing the master status to offline if the status update is offline and the remaining view statuses are offline; and changing the master status to idle if the status update is idle and the remaining view statuses consist of idle and offline.

However, Bell teaches a system and method for communication in a point-to-multipoint digital subscriber line network (see abstract). Bell teaches the use of: changing the master status to offline if the status update is invisible (paragraph 10, Bell discloses the status of IP addresses being invisible); refraining from changing the master status if the status update is offline; refraining from changing the master status if the status update is idle (paragraph 39, Bell discloses a computer waiting for a reply for a predetermined amount of time before changing the status); changing the master status to offline if the status update is offline and the remaining view statuses are offline (paragraph 39, Bell discloses a computer changing the status if a computer is determined to be offline); and changing the master status to idle if the status update is idle and the remaining view statuses consist of idle and offline (paragraph 39, Bell discloses a computer with a status of idle while waiting for a reply from other computers).

It would be obvious to one of ordinary skill in the art, at the time of the invention to modify Dreke in view of Bell to change and refrain from changing the master status based on various statuses. One would be motivated to do so because it would result in the most accurate presence of a user.

As to claim 15 Dreke teaches the method of claims 10 and 14.

Dreke fails to teach the limitation further including the use of: the step of changing the presence information according to a priority system further comprises at least one of the steps of: changing the presence information to offline if the status update is invisible; refraining from changing the presence information if the status update is offline; refraining from changing the presence information if the status update is idle; changing the presence information to offline if the status update is offline and the remaining view statuses are offline; changing the presence information to idle if the status update is idle and the remaining view statuses consist of idle and offline; and changing the presence information to match the status update.

However, Bell teaches a system and method for communication in a point-to-multipoint digital subscriber line network (see abstract). Bell teaches the use of: changing the presence information to offline if the status update is invisible (paragraph 10, Bell discloses the presence information of IP addresses being invisible); refraining from changing the presence information if the status update is offline; refraining from changing the presence information if the status update is idle (paragraph 39, Bell discloses a computer waiting for a reply for a predetermined amount of time before changing the presence information);

changing the presence information to offline if the status update is offline and the remaining view statuses are offline (paragraph 39, Bell discloses a computer changing the presence information if a computer is determined to be offline); changing the presence information to idle if the status update is idle and the remaining view statuses consist of idle and offline (paragraph 39, Bell discloses a computer with a presence information of idle while waiting for a reply from other computers); and changing the presence information to match the status update (paragraph 39, Bell discloses a computer changing the presence information to match the status).

It would be obvious to one of ordinary skill in the art, at the time of the invention to modify Dreke in view of Bell to change and refrain from changing the presence information based on various statuses. One would be motivated to do so because it would result in the most accurate presence of a user.

As to claim 23 Dreke teaches the method of claims 22 and 19.

Dreke fails to teach the limitation further including the use of: the step of changing the master status according to a priority system further comprises at least one of the steps of: changing the master status to offline if the subsequent status update is invisible; refraining from changing the master status if the status update is offline; refraining from changing the master status if the subsequent status update is idle; changing the master status to offline if the subsequent status update is offline and the remaining client view statuses are offline; changing the master status to idle if the subsequent status update is idle and the

remaining client view statuses consist of idle and offline; and changing the master status to match the subsequent status update.

However, Bell teaches a system and method for communication in a point-to-multipoint digital subscriber line network (see abstract). Bell teaches the use of: changing the master status to offline if the subsequent status update is invisible (paragraph 10, Bell discloses the status of IP addresses being invisible); refraining from changing the master status if the status update is offline; refraining from changing the master status if the subsequent status update is idle (paragraph 39, Bell discloses a computer waiting for a reply for a predetermined amount of time before changing the status); changing the master status to offline if the subsequent status update is offline and the remaining client view statuses are offline (paragraph 39, Bell discloses a computer changing the status if a computer is determined to be offline); changing the master status to idle if the subsequent status update is idle and the remaining client view statuses consist of idle and offline (paragraph 39, Bell discloses a computer with a status of idle while waiting for a reply from other computers); and changing the master status to match the subsequent status update (paragraph 39, Bell discloses a computer changing the main status to match the present status).

It would be obvious to one of ordinary skill in the art, at the time of the invention to modify Dreke in view of Bell to change and refrain from changing the master status based on various statuses. One would be motivated to do so because it would result in the most accurate presence of a user.

As to claim 28 Dreke teaches the method of claim 27.

Dreke fails to teach the limitation further including the use of: the step of updating the presence information further comprises the steps of: changing the presence information to offline if the status update is invisible; refraining from changing the presence information if the status update is offline; refraining from changing the presence information if the status update is idle; changing the presence information to offline if the status update is offline and the remaining view statuses are offline; changing the presence information to idle if the status update is idle and the remaining view statuses consist of idle and offline; and changing the presence information to match the status update.

However, Bell teaches a system and method for communication in a point-to-multipoint digital subscriber line network (see abstract). Bell teaches the use of: changing the presence information to offline if the status update is invisible (paragraph 10, Bell discloses the presence information of IP addresses being invisible); refraining from changing the presence information if the status update is offline; refraining from changing the presence information if the status update is idle (paragraph 39, Bell discloses a computer waiting for a reply for a predetermined amount of time before changing the presence information); changing the presence information to offline if the status update is offline and the remaining view statuses are offline (paragraph 39, Bell discloses a computer changing the presence information if a computer is determined to be offline); changing the presence information to idle if the status update is idle and the remaining view statuses consist of idle and offline (paragraph 39, Bell discloses a computer with a presence information of idle while waiting for a reply from other

computers); and changing the presence information to match the status update (paragraph 39, Bell discloses a computer changing the presence information to match the status).

It would be obvious to one of ordinary skill in the art, at the time of the invention to modify Dreke in view of Bell to change and refrain from changing the presence information based on various statuses. One would be motivated to do so because it would result in the most accurate presence of a user.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,564,261 to Gudjonsson et al.

U.S. Pat. No. 6,519,639 to Glasser et al.

U.S. Pat. No. 6,148,328 to Cuomo et al.

U.S. Pat. No. 5,943,478 to Aggarwal et al.

U.S. Pat. No. 5,909,543 to Tanaka et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 703-305-8762. The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax

phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Avi Gold
Patent Examiner
Art Unit 2157

AMG

SALEH NAJJAR
PRIMARY EXAMINER